

RECEIVED

MAY 18 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

<p>AT 8:30 AM WILLIAM T. WALSH CLERK</p> <p>WALSH'S PHARMACEUTICALS INC., AVENTIS INC., and CARDERM CAPITAL, L.P.</p> <p>Plaintiff,</p> <p>v.</p> <p>DR. REDDY'S LABORATORIES, LTD. and DR. REDDY'S LABORATORIES, INC.,</p> <p>Defendants.</p>	<p>Civil Action No. No. 07-5180 (GEB/MCA)</p> <p>And Coordinated Actions:</p> <p>No. 09-0325 (GEB/MCA) No. 09-5179 (GEB/MCA) No. 10-1471 (GEB/MCA)(consolidated) No. 10-2795 (GEB/MCA) No. 10-5801 (GEB/MCA)</p>
--	--

**AMENDED SCHEDULING ORDER**

**THIS MATTER** having come before the Court on joint application of the parties in the above matters (Civil Action Nos. 07-5180, 09-0325, 09-5179, 10-1471, 10-2795, and 10-5801) for the entry of an Order amending the February 10, 2011, Amended Scheduling Order, which governs the current discovery and expert schedule in the above matters, and the Court having considered the April 29, 2011, joint status letter submitted by Connell Foley LLP on behalf of all parties to the above matters, and the parties having appeared for a status conference on May 11, 2011, and the Court having found that good cause exists to amend the current schedule as set forth below,

IT IS, on this 17<sup>th</sup> day of MAY, 2011,

**ORDERED THAT:**

1. The discovery, expert and claim construction schedule in the above cases is hereby amended as follows:

(a) All fact discovery shall be completed by **August 29, 2011**;

(b) Reports from retained experts required by Fed. R. Civ. P. 26(a) (2) are due from the party with the burden of proof on the subject matter by **September 26, 2011**; responsive expert reports are due by **October 25, 2011**. If expert reports submitted by plaintiffs assert any secondary indicia of non-obviousness, defendants may serve rebuttal expert reports limited to that issue no later than **November 10, 2011**; and

(c) Expert discovery shall be completed by **December 7, 2011**.

2. The *Markman* schedule in the above cases is hereby amended and set as follows:

(a) The exchange of claim terms requiring construction shall be completed by **July 1, 2011**.

(b) The exchange of proposed claim constructions and extrinsic evidence shall be completed by **July 15, 2011**.

(c) The Joint Claim Construction Statement and Claim Chart shall be filed by **July 22, 2011**.

(d) Opening *Markman* Briefs shall be filed by **July 29, 2011**.

(e) Responsive *Markman* Briefs shall be filed by **August 19, 2011**.

(f) A *Markman* Hearing will be held in **September, 2011**, or at the Court's earliest convenience.

3. Discovery in the above matters will proceed on all asserted patents including U.S. Patent Nos. 6,037,353, 6,187,791, and 6,399,632 (collectively "the Method of Treatment Patents"), U.S. Patent Nos. 6,113,942, 5,855,912, 5,738,872, and 6,039,974 (collectively "the Formulation Patents"), and U.S. Patent Nos. 7,135,571, and 7,138,524 (collectively "the Polymorph Patents"), however the Method of Treatment Patents are bifurcated for purposes of trial.

4. The Dispositive and *In Limine* Motions and trial schedule in the above cases is hereby amended and set as follows:

(a) Opening Summary Judgment and *In Limine* Briefs shall be filed by **December 16, 2011.**<sup>1</sup>

(b) Opposition Summary Judgment and *In Limine* Briefs shall be filed by **January 20, 2012.**

(c) Reply Summary Judgment Briefs shall be filed by **February 10, 2012.**

(d) A Proposed Final Pretrial Order shall be filed by **February 14, 2012.**

(e) A Final Pretrial Conference will be take place on **February 21, 2012**, at a time to be set by the Court.

(f) A 7-10 day trial on all but the Method of Treatment Patents will commence on **March 5, 2012.**

5. The foregoing shall not affect the schedule of any of the other matters coordinated for pre-trial purposes (Civil Action No. 03-1180, 03-5180, 03-5829, and 04-3194).



Hon. Garrett E. Brown, Jr., Chief Judge, U.S.D.J.

---

<sup>1</sup> Parties seeking to file a summary judgment motion before December 16, 2011, must first seek leave of court by submitting a brief letter setting forth the basis for the motion. If any party objects to the request they may submit a short responsive letter within five business days.